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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

FILED

2008 APR 25 AM 10:59

UNITED STATES OF AMERICA,

Plaintiff,

v.

Daniel CASTANEDA-Salen,

Defendant

Magistrate Docket No.

'08 MJ 1290

COMPLAINT FOR VIOLATION OF:

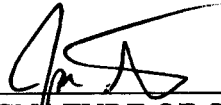
Title 8, U.S.C., Section 1326

Deported Alien Found in the
United States

The undersigned complainant, being duly sworn, states:

On or about **April 23, 2008** within the Southern District of California, defendant, **Daniel CASTANEDA-Salen**, an alien, who previously had been excluded, deported and removed from the United States to **Mexico**, was found in the United States, without the Attorney General or his designated successor, the Secretary of the Department of Homeland Security (Title 6, United States Code, Sections 202(3) and (4), and 557), having expressly consented to the defendant's reapplication for admission into the United States; in violation of Title 8 United States Code, Section 1326.

And the complainant further states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.

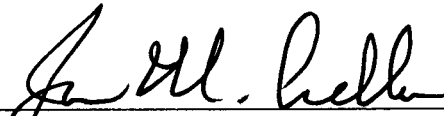


SIGNATURE OF COMPLAINANT

James Trombley

Senior Patrol Agent

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS 25th DAY OF APRIL,
2008.



Jan M. Adler

UNITED STATES MAGISTRATE JUDGE

CONTINUATION OF COMPLAINT:
Daniel CASTANEDA-Salen

PROBABLE CAUSE STATEMENT

On April 23, 2008 at approximately 8:25 P.M., Border Patrol dispatch advised Agents via service radio of a seismic sensor activation near the area commonly known as, "Spooners Mesa. " This area is approximately five miles west of the San Ysidro, California, Port of Entry and five hundred yards north of the United States/Mexico International Boundary.

Border Patrol Agent L. Gonzalez responded to the area, and after a brief search found four individuals hiding. Agent Gonzalez identified himself as a Border Patrol Agent, and conducted an immigration inspection on each individual. All subjects including one later identified as the defendant **Daniel CASTANEDA-Salen**, admitted to being a citizens and nationals of Mexico without any immigration documents that would allow them to legally enter or remain in the United States. All four individuals including the defendant were arrested and transported to the Imperial Beach Border Patrol Station for processing.

Routine record checks of the defendant revealed a criminal and immigration history. The defendant's record was determined by a comparison of his criminal record and the defendant's current fingerprint card. Official immigration records of the Department of Homeland Security revealed the defendant was previously deported to **Mexico on February 9, 2008** s through **San Ysidro, California**. These same records show that the defendant has not applied for permission from the Attorney General of the United States or his designated successor, the Secretary of the Department of Homeland Security, to return to the United States after being removed.

The defendant was advised of his Miranda rights. The defendant stated that he understood his rights and was willing to answer questions without an attorney present. The defendant admitted that he is a citizen and national of Mexico illegally present in the United States. The defendant further admitted that he had been previously deported from the United States and has not applied or requested permission to re-enter the United States legally.